CHOK (3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

WRIT PETITION NO. 3588 /2003

PETITIONER	:	Firm Ganeshilal Gulabchand through its Sole Proprietor Maturam Agrawal, S/o Late Shri Gulabchand, aged 69 years, R/o Near Railway Station, Naila, District Janjgir-Champa (C.G.)

-VERSUS-

RESPONDENTS	:	1. Kailash General Stores through Murarilal Agrawal, R/o Champa District Janjgir-Champa (C.G.).
		2. Collector, Bilaspur (C.G.)
		3. Deputy Collector, Bilaspur (C.G.)
		4. Sub Divisional Officer (Revenue), Janjgir-Champa (C.G.)

P. R. No. 3399/03
Presented by Shri A. Khan
dated 31.10.03

WRIT UNDER ARTICLE [redacted]/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A SUITABLE WRIT, ORDERS OR DIRECTION.

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP 3589/2003 सन्

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	13.02.2004 Shri Rajeev Shrivastava, counsel for the petitioner. Heard. The petitioner has preferred this writ petition under Article 227 of the Constitution of India rather the petitioner has been forced to file this writ petition under Article 227 of the Constitution of India in unusual circumstances and laxity on the part of the Sub Divisional Officer, Janjgir and also on the part of the Additional District & Sessions Judge, Janjgir. The brief facts leading to filing of this writ petition are that respondent No.1 who is tenant of the petitioner moved an application for fixation of standard rent in the Court of Rent Controlling Authority, Janjgir i.e. Sub Divisional Officer, Janjgir and the Authority had passed an order dated 07.06.1982 in Case No.2/1981-82/A-90(2). Being aggrieved by the order of the Rent Controlling Authority the petitioner herein preferred an appeal before the Additional District Judge, Bilaspur and the Addl. District Judge decided the same on 12.12.1986 and reversed the order of the Rent Controlling Authority. Against the order dated 12.12.1986 the respondent No.1 had filed a Misc. Second Appeal bearing No.42 /1987 before the then High Court of M.P., Jabalpur and that appeal was decided on 17.07.1992 and High Court remanded the case back to Additional District Judge, Bilaspur for deciding the appeal in accordance with the order passed by the High Court and the	

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आदेश पत्रक

मामला क्रमांक W.P.No. 3588/03 सन् 200

विरुद्ध

आदेश का क्रमिक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित - 02 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

case was received by the Court of Additional District Judge, Janjgir on 18.03.1999.

Since the case was remanded back, the learned Addl. District Judge, Janjgir number of times sent requisitions to the Sub Divisional Officer i.e. Rent Controlling Authority for sending records of the said case and in turn SDO, Jangir has intimated the Additional District Judge, Janjgir that the relevant record was already sent to the Additional District Judge, Bilaspur, then again the Addl. Distt. Judge, Janjgir sent a requisition to the Collector for sending the records and the Collector wrote a letter to Sub Divisional Officer, Janjgir to send the records to the said Court. The Sub Divisional Officer, Jangir informed vide its communication dated 08.11.2000 to the Additional District Judge, Janjgir that the relevant records have already been sent to 2nd A.D.J., Bilaspur on 03.08.1982 and thereafter the records has not been received and as per the statement of learned counsel for the petitioner since then the matter is pending before the Additional District Judge, Janjgir.

Learned counsel for the petitioner submits that on account of non-availability of the records and inaction on the part of the concerned authority the matter is still pending and it has not been yet decided.

In the facts and circumstances the Addl. District Judge, Bilaspur under whose jurisdiction both courts at Bilaspur & Janjgir falls is directed to conduct an enquiry in order to ascertain the availability of the concerned record and if any

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आदेश पत्रक

मामला क्रमांक W.P. 3588/03 सन् 200

विरुद्ध

आदेश का दिनांक आदेश पांक सहित	आदेश हस्ताक्षर सहित ०३	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

lapse is found on the part of any employee then the proper action be initiated against them and enquiry should be conducted expeditiously and if for any reason the relevant records is not traced out even after enquiry then the Additional District Judge is directed to reconstitute the file after giving opportunity to all the concerned parties and obtain the relevant copies of the documents from them. This should be done expeditiously but not later than three months.

With the aforesaid observations and directions, the petition stands disposed of.

In view of the above order, I.A. No.10273/2003 for urgent hearing stands disposed of.

Certified copy as per Rules.

Sd/-
L.C. Bhadoo
Judge

[पीछे देखिये